Whistleblower Program Annual Newsletter

FY 2004-05

The Controller's Office Whistleblower Program is one year old.

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Complainants may report, for example, bribery; fraud; campaign irregularities; falsification of records; malfeasance; coercion; deliberate neglect to perform a duty; someone ordering a City employee to deliberately violate a law; or gross misconduct.

First Annual Report

As a result of legislation passed by the voters in 2003, the Controller was instructed to set up and administer a whistleblower program to receive and track complaints regarding waste, fraud and abuse of City resources. Program kickoff occurred August 2, 2004. Prior to that date, all City employees received a notice informing them about the new program and how to use it. This newsletter informs employees and citizens of program activity through its first year of operation.

Examples of Whistleblower Complaints Received in 2004-05

Below are some complaint allegations received from City employee whistleblowers and the results of the investigations.

Complaint Allegation	Resolution
Allegation that employee was using City resources to conduct a personal real estate business.	Investigation determined complaint had merit. Recommended 10-day suspension of employee.
Employee reported possible non-billing of Medi-Cal for significant drug therapies used in an AIDS program.	Investigation revealed that billing for indicated program services was properly reimbursed at an all-inclusive rate per visit. This information was conveyed to staff to dispel misinformation.
Allegation that staff were not showing up for work but getting paid as if working full time.	Investigation determined allegation had merit. One supervisory employee has resigned with service noted as unsatisfactory and with no opportunity for future City employment; another has been reprimanded and warned; and the entire unit is now keeping to regular hours as assigned.
Allegation of falsification of time records by a manager for one of her staff.	Investigation determined complainant was incorrectly stating work schedule of employee, which had been properly approved not only by immediate manager, but also by higher manager. Complaint not sustained.
Allegation that a half time City employee was working full time directing an agency contracting with the City and not performing actual work for the City.	Investigation determined the complaint had merit. Employee was directed to correct dual relationship and perform City work but chose to retire instead.

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The Whistleblower Program received 230 complaints in its first year.

59% of the complaints were resolved within 72 hours.

57% of the complaints were received via the Hotline, 24% via the online complaint form, and 14% by email or letter.

Whistleblower Hotline
554-CITY

Hotline Hours
M, W, Th, F 9:00 – 5:00
T 10:30 – 5:00

Online
www.sfgov.org/whistleblower

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c/o Controller
City Hall – Room 316
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

This is just a small sample of whistleblower complaints that have been investigated and brought to resolution. The program has handled numerous non-whistleblower complaints as well. For examples of those, and quarterly reports, visit the Whistleblower Program website at http://www.sfgov.org/whistleblower.

A Reminder Of What The Program Is About

Callers who report theft, waste, or misuse of City property or other resources are called "whistleblowers." If you believe you have observed improper professional conduct or someone has attempted to improperly influence your own professional conduct, you may report your complaint to the Whistleblower Hotline (554-CITY), by using the whistleblower complaint form on our website (http://www.sfgov.org/whistleblower), or by emailing the Whistleblower Program at whistleblower@sfgov.org. The San Francisco Campaign and Governmental Conduct Code provides protection against retaliation for whistleblowers as does state law. You may remain anonymous when filing a complaint.

What Do We Do With Your Complaint?

Every whistleblower complaint is reviewed to determine how it might be investigated or resolved, but all aspects of investigation and disposition are confidential by law. When you report your complaint through the Controller's Hotline or website, you will be given a tracking number. You may follow up, using that tracking number, to determine if the complaint is awaiting investigation, being investigated, has been referred to one of the City's legal authorities, or has been closed following investigation. Depending on the circumstances, further information may not be given. Often analysis of complaints takes a significant amount of time as other City agencies such as the City Attorney, Ethics Commission, Human Resources or District Attorney may be involved and investigators must be meticulous in every case and certain in the disposition. However, you can be assured your complaint will be given thorough attention.

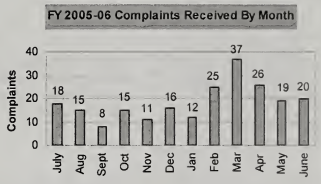
Grievance Issues

Employees have also contacted the Whistleblower Program with complaints about which they have already filed a grievance. Under City law the Whistleblower Program has no jurisdiction over and may not investigate grievance issues. Each employee's MOU delineates his or her appropriate grievance and appeal process.

Whistleblower Program Annual Newsletter

FY 2005-06

The Whistleblower Program received a total of 222 complaints during FY 2005-06. About a third were true whistleblower complaints—those alleging waste, fraud or abuse of City resources. Other contacts concerned general City services, non-government City issues, or were otherwise outside City jurisdiction.



In FY 2005-06, 57% of the complaints to the program were received via the Hotline, 28% via the online complaint form, and 14% by email or letter.

Anyone who has a complaint may file it by calling the Whistleblower Hotline, completing an online web form, emailing the program, or in writing.

Below are examples of complaint allegations and investigation results from some of the 107 complaints closed during the period January 1, 2006 through June 30, 2006. (*See the 2005-06 Mid-Year Report on our website for examples from the first half of FY 2005-06.)*

Complaint Allegation	Resolution
Allegation that several employees at a DPW location had used City time and resources to construct a home entertainment center.	Investigation revealed the allegation had merit, and that three carpenters and one painter were involved in making a storage unit on City time and with DPW materials. Hearings were held, the employees were found culpable, and all will be subject to discipline under City and MOU rules.
Allegations of misuse of City vehicles.	
▪ An SF Fire truck parked outside a business while a firefighter was inside ordering materials for personal use and crew waited outside.	▪ Firefighter admitted misuse and was counseled by his Deputy Chief and received a written warning.
▪ City car reported parked at a restaurant in Daly City between 12:00 – 1:00.	▪ Vehicle assigned to Airport. Employees using City cars on City business are allowed regular lunch breaks.
▪ City car observed making an illegal left turn.	▪ Vehicle assigned to Dept. of Parking & Traffic . Allegation denied by car user, but department has reminded their City car users to obey all traffic regulations.

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		The City's Fleet Manager is responsible for investigating misuse of City vehicles. To report possible misuse, call 554-4856 or email fleet.management@sfgov.org.
	Allegation that police officers performing traffic control for PG&E were being paid overtime by the department.	Complaint determined not to have merit. Section 10B.2 of the City's Administrative Code requires PG&E, and any other private company including movie & TV productions, to pay the Police Department for officers' services (equivalent salary and administrative costs).
43% of complaints were resolved within 72 hours.	Allegation that a City resident is running an unregistered, unpermitted used car business out of his home.	Investigation revealed the allegation had merit. A Notice of Violation was issued by the Planning Dept. Also, the Treasurer-Tax Collector's Office has required the owner to register his business and pay the appropriate fees and taxes.
	Allegation that a business is abusing their sidewalk permit by selling items not related to those sold inside the business in violation of City law.	Investigation determined the allegation did not have merit in that the items were, in fact, similar enough to some being sold inside; however, business was issued a Notice of Violation because they were exceeding the limits of their permit by using 50% more sidewalk space than allowed.
	Allegation of illegal curb painting at four residential addresses.	Investigation determined that complaint had merit. Owners were notified by the Dept. of Parking & Traffic of the procedure for requesting curb painting, and City painters grayed out the illegal curb painting. Residential property owners and merchants may apply for a driveway red zone or color curb zone through DPT by calling the Color Curb Coordinator at (415) 701-4500. The fee schedule and application is online at http://www.sfgov.org/site/dpt_index.asp?id=13450 - curb.
	Allegation that a City Supervisor accepted trips paid for by political action groups to various locations.	Investigation determined that complaint had no merit. Under the California Political Reform Act, payments for travel are considered gifts and therefore subject to the annual $360 gift limit. However, certain types of travel are not subject to the gift limit but must be reported on a statement of economic interest. There are exceptions. Investigation of allegations of misconduct by City elected officials, including conflict of interest, is conducted by the Ethics Commission complaint investigator. For more information see *The San Francisco Ethics Commission Manual On Governmental Ethics Laws* on the Ethics Commission's website or call them with questions at 581-2300.
	Allegation that a Department of Human	Investigation revealed employee had, in fact,

	Services employee was observed removing eight chairs from a DHS worksite. Complainant was concerned employee had taken the chairs home.	taken the chairs home. They were being replaced with new chairs and the employee mistakenly thought she had permission from her supervisor to take the chairs. Subject has been warned concerning removal of City property and chairs have been returned.
Complainants may report, for example, bribery; fraud; campaign irregularities; falsification of records; malfeasance; coercion; deliberate neglect to perform a duty; someone ordering a City employee to deliberately violate a law; or gross misconduct.	Complaint regarding spreading graffiti vandalism on at least a dozen addresses on Clementina and Folsom Streets, including neglect by property owners in failing to clean off the graffiti.	The Department of Public Works investigated this complaint and sent notices to the property owners some of whom have removed the graffiti on their buildings. Second notices were sent to others. If upon reinspection this month owners have not removed the graffiti, they will be turned over to the City Attorney, as per the Graffiti Ordinance. For a couple of addresses, DPW is trying to determine who owns the buildings. By law, private property owners are responsible for abating graffiti on their property. Complainants may call DPW's 28-CLEAN hotline (282-5326) to report graffiti, including that on private property. DPW has an explanation of the City's Graffiti Ordinance, including the procedure for abatement, on their website at http://www.sfgov.org/site/sfdpw_page.asp?id=32790. The compelling force in this legislation is that DPW may obtain a court order to perform the cleanup themselves and bill the owner. Owners who fail to pay the bill are subject to collection procedures including a lien on their property.
	Allegation that a Public Utilities Commission employee is working half time but being paid as if full time.	Complaint found to be without merit. Investigation showed employee is taking earned paid time off to care for his critically ill wife. The Family Medical Leave Act allows employees, with certification from a doctor, to take intermittent leave (paid or unpaid) or work a reduced schedule to care for an ill family member.
	Allegation that an Airport employee may be operating a business on City time.	Investigation revealed the complaint had minor merit in that employee had some minimal misuse of her City telephone and email. Employee was counseled and reminded about appropriate use of City resources.
	Allegation that a City-employed doctor in charge of treatment of patients with AIDS at San Francisco General Hospital also owned a company which buys out insurance policies from terminally ill people, constituting a conflict of interest.	Investigation found complaint without merit in that the doctor has not worked at SF General for many years and the company he was alleged to own went out of business in 1997.
	Allegation that a portion of a grant paid	The Controller's Office conducted an audit of

by the City to a local non-profit for a project with the Department of Elections was being used for political activities in violation of City law.	the contract and determined the allegation was without merit. The funds were being used appropriately to educate the public on ranked choice voting. This function was what the grant was specifically funded to do, and the tasks being performed were directly related to the grant.
Allegation that a non-profit agency was receiving grant funds from the Department of Public Health for a program of substance abuse counseling at a local high school but not providing adequate services.	Investigation determined the complaint had merit in that the department had previous difficulties with the performance of program duties under the grant and a review had identified many areas of non-compliance. The program was asked to improve compliance and documentation. Around the time of our complaint, a decision to modify the contract was made by DPH. The non-profit agency decided to close the program and laid off the staff. About 18 clients were transitioned to other programs.
Six complaints were received regarding changes of ownership of San Francisco properties that may not have been reported to the Assessor-Recorder's office.	In March 2006, Assessor-Recorder Phil Ting announced an incentive program under which whistleblowers could receive as much as $500,000 in reward money for tips leading to the detection of companies that have failed to report changes of ownership on their San Francisco properties. The Controller's Office Whistleblower Program has agreed to receive these reports through our complaint process. They are then forwarded directly to the Assessor-Recorder's Office for investigation.

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554-CITY

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San Francisco, CA 94102

How We Investigate Complaints

The law that created the Whistleblower Program requires us to investigate and otherwise attempt to resolve complaints except for those which:

1) another City agency is required by federal, state, or local law to adjudicate, (*i.e., a complaint alleging welfare fraud is investigated by the Department of Human Services; and issues involving campaign finance misconduct fall under the jurisdiction of the Ethics Commission*)

2) may be resolved through a grievance mechanism established by collective bargaining agreement or contract, (*we refer complainants to their MOUs for their appropriate grievance and appeal process*)

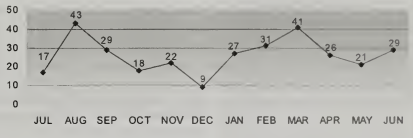
3) involve allegations of conduct which may constitute a violation of criminal law (*when we receive these, we refer them directly to the police or District Attorney*).

We also attempt to locate an appropriate complaint agency for complainants when their issue is outside City control.

Whistleblower Program Annual Newsletter

FY 2006-07

The Whistleblower Program received a total of 313 contacts during FY 2006-07. About a third were true whistleblower complaints—those alleging waste, fraud, abuse of City resources or employee misconduct. Other complaints concerned general City services, non-government City issues, or were otherwise outside City jurisdiction.



Anyone who has a whistleblower complaint may file it by calling the Whistleblower Hotline, completing an online web form, or by email or postal mail. **Other complaints regarding City services should now go to the City's new 311 Customer Service Center** (see p. 4).

In FY 2006-07, 50% of the complaints to the program were received via the Hotline, 35% via the online complaint form, and 12% by email or letter.

Below are examples of complaint allegations and investigation results from some of the 153 complaints closed during the period January 1, 2006 through June 30, 2007. (*See the 2006-07 Mid-Year Report on our website for examples from the first half of FY 2006-07.)*

Complaint Allegation	Resolution
Allegation that a Recreation and Parks Department employee was using an illegal substance during work hours, and was frequently absent without authorization.	Complaint found to have merit. Employee has been terminated.
Human Services agency employee alleged to be under the influence of alcohol during work hours.	Upon investigation, complaint was found to have merit. Employee was counseled and received a written warning including notice that further incidents could lead to suspension and/or termination.

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CONTROLLER'S OFFICE

47% of all complaints were resolved within three days.

Report that the owner of rental housing in the City containing four units had not obtained a business license nor paid the required fees.	Investigation by the Treasurer-Tax Collector's Office determined the complaint had merit. Owners of rental housing with four or more units must obtain a registration certificate from the Tax Collector in accordance with the City and County of San Francisco's Business and Tax Regulations Code Article 12. Owner was contacted and has now complied with the regulation.
Caller complained of being assaulted by San Francisco police officers.	Complainant was put in contact with the Office of Citizen Complaints (OCC) which has jurisdiction over allegations of police misconduct. Complaints can be made at the OCC office at 480 2nd Street #100 San Francisco, 94107; by phone (597-7711); by mail; by utilizing their online complaint form at www.sfgov.org/OCC; or at any district police station.
Caller complained of the condition of the Beideman/O'Farrell Mini-Park, including scattered trash and dumping, as well as weedy conditions.	The Neighborhood Services Manager for this park directed an immediate clean-up of debris, including that which is the responsibility of Sunset Scavenger. In addition, staff has been directed to design landscaping with "low maintenance" in mind. The gardener responsible for this park also is assigned to two other large parks and responds to emergencies in other area parks, playgrounds and fields.
Report that Air Canada operates in San Francisco and has failed to register or obtain a business license.	Investigation by the Treasurer-Tax Collector's Office determined that the business has its offices in Quebec, Canada, operates only flights in and out of the San Francisco Airport, and has no business offices in San Francisco; therefore the business does not have to register or obtain a business license from the City.
Complaint that an applicant for San Francisco Police Officer had failed the agility test, but was able to advance to the Oral Board portion of the exam.	Investigation determined that in previous testing cycles an applicant who failed the physical ability test would not be allowed to participate in the oral interview. However, the announcement for this exam had been amended to allow candidates who pass the written examination to be placed on an eligible list which is valid for two years so they can improve their physical fitness and return at a later date to take the physical test without having to retake the written portion. No violation found.

Allegation that a Department of Public Works employee was using City email to send invitations to political events.

Complaint was found to have merit. Employee received a written warning citing San Francisco law prohibiting employees from engaging in political activity during working hours or on City premises.

Report that several Juvenile Probation employees were assigning detainees to wash the employees' personal laundry.

Complaint found to have merit. Employees involved were verbally warned (generally the first level of City discipline) and given a copy of the City's policy on use of City resources for personal business, which they were required to sign to acknowledge receipt and understanding.

Report of possible improprieties by a vendor in fulfilling a contract with the City for battery purchasing, including items not available being listed as available, some questionable charges, and vendor's facilities and vehicles were not properly indicating presence of hazardous materials.

Investigation by the Office of the City Administrator's Purchasing and Central Shops staff determined some merit to the complaint. The vendor was formally notified of actions to be taken in order to retain City business. Periodic follow-up will be conducted to assure compliance.

Complaint of smoking on the job by Maintenance Division employees at the Airport.

Investigation did not confirm the complaint, however, new signage has been posted, and the issue was addressed at the weekly managers' meeting.

Complaint that a City Administrative Services custodial employee was removing returnable bottles and cans from City recycling containers at employees desks for the purposes of collecting the CRV refund.

Complaint found to have merit. Employee received a written warning and all custodial staff in the section were reminded of the City policy prohibiting use of City resources for personal gain.

Report of San Francisco police officers guarding a private construction site. Caller questioned whether officers were on the City clock and being paid from City funds.

The officers were off-duty and working in accordance with Section 10B.2 of the City's Administrative Code which allows private companies to pay the Police Department equivalent salary and administrative costs for officers' services. No violation found.

Complaint that a Department of Public Health supervisor was inappropriately allowing an employee to accumulate and use compensatory time off. (Compensatory time off in lieu of pay may be available to employees as a means of compensation for overtime.)

Complaint found to have merit. Investigation found that the supervisor was not documenting the employee's time per department procedures. Supervisor was counseled regarding time-keeping responsibilities, reporting procedures, and appropriate use of compensatory time off.

Allegations of misuse of City vehicles:

City vehicle belonging to Juvenile Probation being taken home overnight and being used for personal business.	Vehicle user has permission to home garage the vehicle as her work location is remote. Employee was given a verbal warning that there is to be no personal use of the City vehicles, whether or not they are authorized to be taken home overnight.
Report that a City vehicle was being used for a private paratransit business.	Investigation determined vehicle had been sold at auction several years ago, but the City seals and department identification numbers had not been removed by the auction agency. Owner was notified and cooperated with removal of the seals and numbers.
Report that a Department of Building Inspection vehicle was parked in front of their offices with a case of beer on the front seat.	Complaint found to have merit. The employee admitted having purchased non-alcoholic beer during his lunch hour (he provided a receipt as proof). He was given a verbal warning reminding him of the City vehicle use policy. In addition, other vehicle users were also given a copy of the policy.
Several School District vehicles have been parking in the Noe Valley business district while employees take extended breaks. During investigation one vehicle was observed parked in a disabled parking slot.	Complaint found to have merit. Five employees and three vehicles were identified by pictures taken during investigation. All employees were counseled and issued written warnings.
Employee in Central Shops truck observed smoking in vehicle.	Complaint found to have merit. Employee counseled and received letter of instruction regarding City vehicle no-smoking policy. In addition all shop staff reviewed the policy.
Allegation that a MUNI employee was taking his City van home and working on personal projects for several hours a day.	Complaint found to have merit. Employee and employee's supervisor given verbal warnings.

Dialing 311 connects City residents with representatives who will take complaints and requests for information regarding general City services, and will assist with non-emergency City and County of San Francisco government matters. If calling from outside a San Francisco area code, you may call by dialing 415-701-2311. 311 offers assistance in over 145 languages as well as TTY access. Read more about this new service online at www.sfgov.org/311.

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Whistleblower Program Annual Newsletter

FY 2007-08

Whistleblower Hotline
3-1-1 / TTY: 415-701-2323

Outside of area code 415:
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TTY: 415-701-2323

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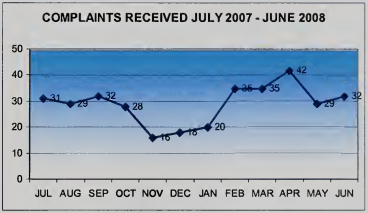
Tips for Submitting a Whistleblower Complaint

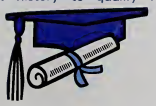
There are a few things you can do to assist the Controller's Whistleblower Program investigator when you file a complaint such as providing your contact information and including as much detail as possible. Too many complaints are closed because of insufficient detail and no way for the investigator to ask follow-up questions. Contact information will remain confidential and will only be available to the investigators. If you provide an email address, make sure to adjust your spam settings to accept emails from whistleblower@sfgov.org.

Complaints Received in Fiscal Year 2007-08

The Whistleblower Program received 347 complaints July 1, 2007, through June 30, 2008, and closed 330 complaints during the same period.



Below are examples of complaint allegations and investigation results from some of the 188 complaints closed during the period January 1, 2008 through June 30, 2008. *(See the 2007-08 Mid-Year Report on our website for examples from the first half of Fiscal Year 2007-08.)*

Complaint Allegation	Resolution
Allegation that a City worker exaggerated their education and employment history to qualify for a position. 	The complaint was found to have merit. An investigation into the employee's background by the Department of Human Resources revealed a questionable college degree, limited work experience, and a potentially counterfeit letter of recommendation. The employee was given time to respond to the allegation but chose to resign instead.

Complaint Allegation	Resolution
Allegation that during work hours a City employee was double parking their City vehicle outside of a bar, going inside to imbibe, and then returning to drive their vehicle.	This complaint was found to have merit. Surveillance was performed and the employee's department used their global positioning system to track the employees driving history and determined that they had stopped at the bar's location many times in the past. The employee was confronted and the department pursued disciplinary action.
Allegation that a resident filed a claim against the City to recoup funds when their home was damaged in a fire after already being fully reimbursed by their homeowners insurance.	This complaint was found to have merit. The City Attorney's claim division was able to determine that the claimant had already been reimbursed by their insurance company and was ineligible for City reimbursement. The claim was rejected.
Allegation that the restroom windows at Margaret S. Hayward playground were constructed in a way that allows people to see inside.	This complaint was found to have merit. The Recreation and Park Department inspected the windows and determined people using the tennis courts could see in to the ladies restroom. The Department of Public Works quickly installed frosted glass to prevent people from being able to see inside.
Allegation that the Director of the Animal Care and Control bypassed civil service rules to create a special manager position for a favorite employee.	This complaint was found to have no merit. A detailed review of the steps taken to establish the position, the selection process, as well as the manager's background was performed by the Civil Service Commission with no violation found.

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Postal mail
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c/o Controller
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1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

3-1-1 is not just for whistleblower complaints. When you dial 3-1-1 (or 415-701-2311 if you are outside of area code 415), you will be connected with a representative who will take complaints and requests for information regarding general City services, and will assist with non-emergency City and County of San Francisco government matters. 3-1-1 is available in over 175 languages and offers TTY access. Visit www.sfgov.org/311 for more information.

Whistleblower Program

Office of the Controller - City Services Auditor

Whistleblower Program Annual Report: **October 27, 2009**
July 1,2008 to June 30, 2009

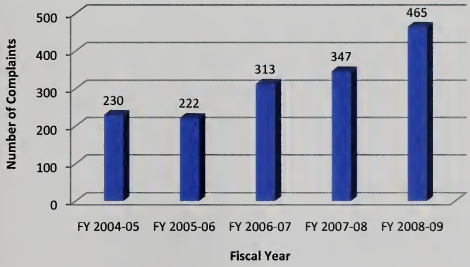
Background

Proposition C (Prop C), passed by the voters in November 2003, instructed the Office of the Controller (Controller) to administer a whistleblower and citizen complaint hotline telephone number and website, and to publicize the hotline and website through public advertising and communications to City and County of San Francisco (City) employees. Specifically, Prop C requires the Controller to receive and track complaints on the quality and delivery of government services, wasteful and inefficient City government practices, misuse of government funds and improper activities by City government officials, employees, and contractors. The Whistleblower Program evaluates and forwards complaints received to the appropriate Agency. Prop C also instructs the Controller to investigate and attempt to resolve the complaints when appropriate.

Complaints Received

The Whistleblower Program received 465 new complaints in fiscal year (FY) 2008-09, a 24 percent increase from FY 2007-08. Prior years' complaints are summarized in the figure below (Exhibit 1).

EXHIBIT 1 **Whistleblower Program Complaints Received by Fiscal Year**



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Contact the Controller's Office Whistleblower Program
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Online: www.sfgov.org/whistleblower
E-mail: whistleblower@sfgov.org

Sources of Contact

In FY 2008-09, 397 complaints (85.4 percent) were submitted through the Whistleblower Program website (Exhibit 2). This number includes complaints reported through the 3-1-1 Customer Service Center. All other complaints were submitted through the following: via e-mail to whistleblower@sfgov.org (4.3 percent); letters sent to the Controller's Office in care of the Whistleblower Program (3.9 percent); direct calls to the Controller's Office front desk (3.8 percent); and walk-ins to the Controller's Office (2.6 percent).

EXHIBIT 2 **Sources of Complaints Received**

Actions Taken

The Whistleblower Program may take a lead role in conducting certain investigations. However, the majority of investigations are coordinated in collaboration with management of the department associated with the complaint. In these circumstances, department management takes the lead role in the investigation, and where appropriate, the Whistleblower Program provides direction and guidance. Investigations are conducted in consultation with department management, the City Attorney's Office, and Department of Human Resources, as appropriate. This coordinated approach utilizes the expertise of all involved departments and allows for the leveraging of resources to ensure allegations are resolved in a timely manner.

Department management is required to report to the Whistleblower Program on any action(s) taken. The Whistleblower Program reviews departmental actions and investigative findings. Based on this review, a determination is made on the adequacy of the information provided, and whether additional action is required prior to the Whistleblower Program closing the complaint.

EXHIBIT 3 **Actions Taken on Complaints Received**

- In FY 2008-09, the Whistleblower Program facilitated the investigation of 50.1 percent (233) of all complaints received (Exhibit 3).

- The remaining 49.9 percent (232) of complaints were categorized as follows:
  - Not Enough Information (14.2 percent) – These complaints lack information necessary to perform an investigation (i.e. department, date, vehicle number).
  - Referred to Another Department (11.2 percent) – These complaints fall within the jurisdiction of another agency, such as the Office of Citizen Complaints or the Ethics Commission.
  - No Action (10.5 percent) – No complaint was specifically conveyed.
  - Outside of Jurisdiction (10.5 percent) – These complaints are concerns about management decisions, or state or federal government agencies.
  - Information Requests (3.5 percent) – These inquiries are from individuals who request information on City departments or services.

Summarized Details of Select Complaints

The complaints described in this section are official and confidential information. The Controller's Office acquired the data in confidence; specific details are not disclosed to the public to preserve this confidentiality.

Complaint Allegation	Resolution
Allegation that a City employee authorized and recorded their own overtime pay. The complaint alleged that the employee was falsely reporting the number of overtime hours worked.	The investigation did not substantiate the allegation of falsely approving and recording overtime pay. However, the accused employee is no longer eligible for overtime until all other eligible employees have an opportunity to work overtime hours.
Allegation that a City employee was viewing pornography on their work computer.	With assistance from the City Attorney's Office, the complaint was found to have merit and confirmed. The employee was subsequently terminated.
Allegation that a City employee was using a City vehicle to leave work early and perform personal business. Complainant alleged that the employee's supervisors were aware of this situation.	This complaint was found to have merit and confirmed. The employee received a 30-day suspension and was required to reimburse the City for the time they were not at work. The employee's supervisors were counseled to monitor the global positioning system (GPS) activity of this employee's vehicle.
Allegation that a City employee was not working a full work week.	The complaint was found to have merit and confirmed. The employee was disciplined and placed under more direct management supervision for a 12 month period. The Department's employee handbook was updated to address issues identified by this complaint.
Allegation that a City employee was operating a vehicle with a dog in the vehicle.	This complaint was found to have merit. The driver was counseled by their supervisor and issued a reminder that animals are not allowed in City vehicles.

City and County of San Francisco Charter, Section F and the City's Whistleblower Program in Campaign and Governmental Conduct Code, Sections 4.100-4.135 offer confidentiality to complainants, complaints and investigations interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.

City and County of San Francisco Charter, Section F1.110(b) makes confidential all drafts, notes, audits, reports and investigations of the Controller. Complaints currently under investigation are confidential under this provision and will not be disclosed. Grounds for disclosure apply to all complaints, whether currently under investigation or whether the investigation has been closed.

Whistleblower Program Frequently Asked Questions

Why did the City and County of San Francisco establish the Whistleblower Program?

The Whistleblower Program was created on behalf of San Francisco citizens and government employees to help make City government more accountable through the prevention and investigation of suspected waste, fraud, and abuse.

What is the impact of the Whistleblower Program on City government?

When fraud is allowed to continue, it jeopardizes the level of service local government can provide its residents.

- Someone's Watching: The Whistleblower Program has a deterrent effect, for both internal and external sources of fraud, waste, and abuse.
- Someone Cares: A public message of 'zero tolerance' for fraud, waste, and abuse is sent to citizens and City employees by allocating resources to the Whistleblower Program.
- Beneficial Contacts: Interaction with the District Attorney's Office, City Attorney's Office, Police Department, and state and federal data sources help forge alliances beneficial to the pursuit of reducing fraud, waste, and abuse from government.

What can I report to the Whistleblower Program?

Any kind of fraud or misconduct can be reported, with certain exceptions, which are noted below. You may report any City and County of San Francisco manager, employee, contractor, or vendor who may be committing fraud, or any practice or act you observe that results in the waste or abuse of City and County resources.

Some misconduct complaints if reported to the Whistleblower Program, including criminal acts, recipient welfare fraud, claims for child support, or allegations of child abuse are referred by the Whistleblower Program to other agencies for investigation.

What information should a complaint include?

When reporting suspected fraud, please provide as much information and detail as possible, including who, what, when, where, why, and how. A complainant should provide complete and specific information regarding the allegation, including the person involved, the time and date(s) of occurrence, and a detailed description of the violation to the investigators. Complaints with limited details cannot always be investigated.

When should I submit a complaint?

A complaint should be submitted immediately after you believe a reportable offense has occurred.

How can I submit a complaint?

Complaints can be submitted through one of the following ways:

- Phone: 3-1-1 or 415-701-2311, TTY: 415-701-2323 *(3-1-1 will also take non-whistleblower complaints and answer questions regarding other City services and issues)*
- Online: www.sfgov.org\whistleblower
- E-mail: whistleblower@sfgov.org
- Mail: Whistleblower Program, Rm.316, 1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102

What happens when I submit a complaint?

Each submitted whistleblower complaint is assigned a unique tracking number. An initial assessment is done to determine whether the case has merit and how it should be handled. Complaints are referred to appropriate parties for follow-up action. Submission of a complaint to the Whistleblower Program only ensures that the complaint will be reviewed for possible investigation.

May I remain anonymous when filing a complaint?

Yes, you may remain anonymous.

Will anyone, including the suspect(s) find out that I reported the fraud?

If you request your identity remain confidential, the Whistleblower Program will not identify you to anyone. However, if the investigation results in criminal prosecution, it is possible our records may be subpoenaed by the court.

How does the Whistleblower program protect my confidentiality?

City and County of San Francisco Charter, Section F1.107(c) requires the Board of Supervisors to enact and maintain an ordinance protecting the confidentiality of whistleblowers and protecting City officers and employees from retaliation for filing a complaint with, or providing information to the Controller's Office, Ethics Commission, District Attorney's Office, City Attorney's Office, or a City department or commission about improper governmental activity. The City Attorney's Office has advised that the Controller's Office has a duty to maintain the confidentiality of the identity of whistleblowers even in the absence of such an ordinance.

If I give my telephone number or email address, will an investigator contact me?

Possibly. If you provide contact information, an investigator may call you if they need additional information regarding your allegation.

Can I check on the status of the investigation?

Yes, you may check the status of your case by going to the Whistleblower Program website and selecting "Check Status of Complaint." You will then need to enter your assigned tracking number. You may check to see if a case is open or closed. However, no specific details of any ongoing investigation will be provided. In addition, you cannot receive a copy of the investigative report – this information is considered confidential.

How long does it take for a case to be investigated?

Investigations vary from a couple of weeks to several months depending on the complexity of the case.

What will happen to the person I am reporting?

If an allegation is confirmed, the suspect(s) could be disciplined. Disciplinary action is determined by the department for which the suspect works and is confidential. Discipline can include dismissal, suspension, reprimand, etc. However, if the suspect(s) is criminally prosecuted, the case becomes a public record.

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Whistleblower Program

Office of the Controller - City Services Auditor

Whistleblower Program Annual Report: **September 7, 2010**
July 1, 2009 to June 30, 2010

Background

Proposition C (Prop C), passed by the voters in November 2003, instructed the Office of the Controller (Controller) to administer a whistleblower and citizen complaint hotline telephone number and website, and to publicize the hotline and website through public advertising and communications to City and County of San Francisco (City) employees. Specifically, Prop C requires the Controller to receive and track complaints on the quality and delivery of government services, wasteful and inefficient City government practices, and misuse of government funds and improper activities by City government officials, employees, and contractors. The Whistleblower Program evaluates and forwards complaints received to the appropriate Agency. Prop C also instructs the Controller to investigate and attempt to resolve the complaints when appropriate.

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Whistleblowers and the Local Government

The trust of the public is fragile - easy to lose and hard to gain. The Whistleblower Program serves as a practical tool to establish, maintain, and improve public trust in the City's ability to provide high quality fiscally responsible government services.

In its 2010 Report to the Nations on Occupational Fraud and Abuse, the Association of Certified Fraud Examiners reported that 46.3% of fraud cases discovered by government entities occurred as a result of a tip.[1] However, the risk and fear of retaliation can deter individuals from reporting allegations of wrongdoing by a colleague, manager, or City vendor.

The Whistleblower Program gives individuals the ability to anonymously report incidents of wrongdoing. Although anonymous reporting is an effective means of identifying potential irregularities, complainant contact information is sometimes necessary to ask follow-up questions pertinent to the allegations. Complainant contact information is never released to the individuals named in the complaint, the City department, or the public. Identifying information can only be released through explicit written consent from the complainant or by court subpoena.

The San Francisco Whistleblower Ordinance protects City employees and officers who, in good faith, file complaints of improper governmental activities by City employees and officers. The ordinance does not protect individuals from adverse employment action taken by the City and County of San Francisco regardless of whether or not they had filed a whistleblower complaint.

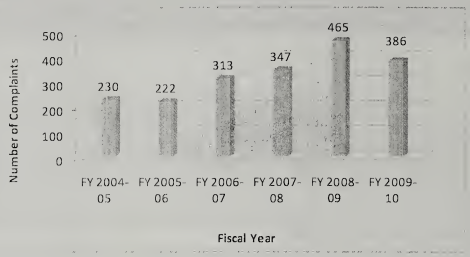
Contact the Controller's Office Whistleblower Program
Whistleblower Hotline: 3-1-1 / TTY: 415-701-2323
Outside of area code 415: 415-701-2311 / TTY: 415-701-2323
Online: www.sfgov.org/whistleblower
E-mail: whistleblower@sfgov.org

[1] Association of Certified Fraud Examiners. (2010) *2010 Report to the Nations on Occupational Fraud and Abuse*

Complaints Received

The Whistleblower Program received 386 new complaints in fiscal year (FY) 2009-10, a 17 percent decrease from FY 2008-09. Prior years' complaints are summarized in the figure below (Exhibit 1).

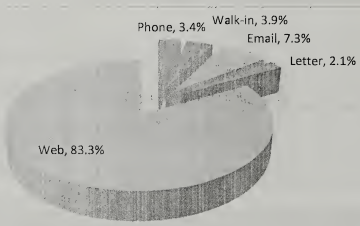
EXHIBIT 1 Whistleblower Program Complaints Received by Fiscal Year



Sources of Complaints Received

In FY 2009-10, 322 (83.3 percent) were submitted through the Whistleblower Program website (Exhibit 2). This number includes complaints reported through the 3-1-1 Customer Service Center. All other complaints were submitted through the following: via e-mail to whistleblower@sfgov.org (7.3 percent); letters sent to the Controller's Office in care of the Whistleblower Program (2.1 percent); direct calls to the Controller's Office front desk (3.4 percent); and walk-ins to the Controller's Office (3.9 percent).

EXHIBIT 2 Sources of Complaints Received

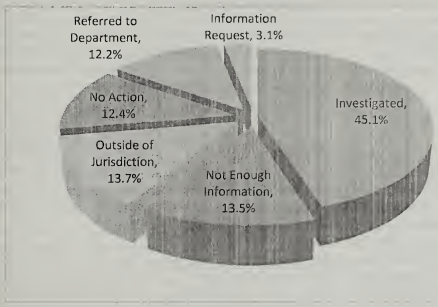


Actions Taken

The Whistleblower Program may assume a lead role in conducting certain investigations. However, the majority of investigations are coordinated in collaboration with management of the department associated with the complaint. In these circumstances, department management takes the lead role in the investigation, and (where appropriate) the Whistleblower Program provides direction and guidance for the investigation. This coordinated approach utilizes the expertise of all involved departments and allows for the leveraging of resources to ensure allegations are resolved in a timely manner.

Department management is required to report to the Whistleblower Program on any action(s) taken. The Whistleblower Program reviews departmental actions and investigative findings. Based on this review, the Whistleblower Program determines the adequacy of the information provided, and whether additional action is required prior to closing the complaint.

EXHIBIT 3 Actions Taken on Complaints Received



- In FY 2009-10, the Whistleblower Program facilitated the investigation of 45 percent (174) of all complaints received (Exhibit 3).
- The remaining 55 percent (212) of complaints were categorized as follows:
  - Not Enough Information (13.5 percent) – These complaints lacked sufficient information necessary to perform an investigation (i.e. department, date of occurrence, vehicle number).
  - Referred to Another Department (12.2 percent) – These complaints fall within the jurisdiction of another agency,s uch as the Office of Citizen Complaints or the Ethics Commission.
  - No Action (12.4 percent) – The complaint was not explicitly conveyed.
  - Outside of Jurisdiction (13.7 percent) – These complaints are concerns regarding management decisions, or state or federal government agencies.
  - Information Requests (3.1 percent) – These inquiries are from individuals who request information on City departments or services.

Summarized Details of Select Complaints

The complaints described in this section are official and confidential information. The Controller acquired the data in confidence; specific details are not disclosed to the public in order to preserve confidentiality.

Complaint	Resolution
Allegation that a community based organization received reimbursement with City funds for the purchase of alcohol, cigarettes, groceries, and fictitious expenditures.	This complaint was found to have merit. The Whistleblower Program determined that the City reimbursed the organization for the purchase of alcohol, cigarettes, groceries, and fictitious expenditures. The Whistleblower Program recommended the sponsoring City department discontinue future funding of the organization and seek reimbursement for the unallowable expenditures. The sponsoring City department informed the organization of the unallowable expenditures identified and discussed the appropriate actions to be taken by the organization.
Allegation of inappropriate behavior by City employees during a department's vendor solicitation and selection process.	The Whistleblower Program determined that department did not comply with standard practices that are customarily followed during the vendor solicitation and selection processes, creating the appearance of bias against one vendor. The Whistleblower Program recommended that the department reissue the contract. The department rejected all vendor proposals and has not restarted the vendor solicitation process.
Allegation that two City employees received overtime pay despite not working their reported time. Complaint alleged that the two employees were approving their own time cards, and the supervisor was aware of the practice but ignored it because of their friendship with the employees.	The investigation found no abuse of overtime, but established that the employees erroneously received a type of premium pay not provided for under their collective bargaining agreement. As a result of the investigation, the premium pay practice was discontinued. Department management notified all related parties of the payroll error in order to prevent a similar incident from occurring in the future. The department is working on internal processes to create additional accountability over the employee payroll process.
Allegation that a contractor overcharged the City for interest expense.	This complaint was found to have merit. The department and the Whistleblower Program determined that the City was overcharged by approximately $20,000. As a result, the contractor credited the City for the amount of the overcharge. The department updated its internal procedures to more closely monitor interest charges and prevent future discrepancies.
Allegation that an employee solicited coworkers to purchase bidets from their personal business on City property during work hours.	This complaint was found to have merit. The employee admitted to selling the bidets over a five day period, but stated they only sold the products during break times and after work hours. The employee was counseled regarding the incident,a nd all of the division's employees were required to review the City's Statement of Incompatible Activities.

Complaint	Resolution
Allegation that $6,000 was missing from a department's cash deposit.	The Whistleblower Program investigation confirmed that $6,000 of cash was missing from the department's cash deposit and concluded that the shortage occurred prior to the bank deposit. The Whistleblower Program found that the irregularity was enabled by the department's weak internal controls over the employee cash handling process. The investigation was unable to determine the specific cause of the shortage, but made a number of recommendations to prevent future cash shortages, including double custody cash counts, improved video surveillance in cash handling areas, and developing procedures to report discrepancies to management and the proper authorities in a timely manner.
Allegation that a City employee submitted a reimbursement request for a conference they did not attend. As proof, the complainant submitted multiple letters from the conference organizers requesting the overdue payment.	This complaint was found to have no merit. A joint investigation by the Whistleblower Program and the District Attorney's Office found that the employee did pay for the conference in time, but a mistake by the conference organizers resulted in the employee's payment being misplaced and erroneous letters of overdue payment being sent to the employee.
Allegation that a non-profit used City funds to print and distribute political fliers.	This complaint was found to have merit. The investigation concluded that City funds were used to distribute political fliers to citizens that relied on the services of the non-profit. The sponsoring department issued a letter counseling the non-profit, and warned a repeat of this activity will prevent the non-profit from receiving future contracts with the City.
Allegation that City employees used City information technology and misled their fellow colleagues into building an internet company for their personal gain.	This complaint was closed following a joint investigation by the Whistleblower Program and the City Attorney's Office. These allegations could not be substantiated with the information provided by the whistleblower. The Whistleblower Program made multiple requests for the complainant to provide additional information but did not receive a response.

As stated in City and County of San Francisco Charter, Section F, and the City's Whistleblower Program in Campaign and Governmental Conduct Code, Sections 4.100-4.135, the Whistleblower Program offers confidentiality to complainants, complaints and investigations interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.

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